



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13/10/2022

PRESENT

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The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18192 of 2022

Vijaya

... Petitioner/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
(Crime No.184/2022).

... Respondent/Complainant

For Petitioner : M/s.Vijaysethupathy V,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.184/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 5(1), 5(j)(ii) and 6 of POCSO Act and Sections 9 and 10 of Prohibition of Child Marriage Act, 2006, in Cr.No.184 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with victim parents committed the offence and solemnized the marriage between the petitioner's son and the victim. Now the victim girl is birth to Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is a love affair between A1 and the victim girl. The petitioner is the friend of A1, he is innocent and he has been falsely implicated in this case. He would further submit that A1 to A5 have already been released on bail. Hence, he prays for anticipatory bail.



4.The learned Government Advocate(Crl.Side) vehemently opposed for grant of anticipatory bail to the petitioner. He would further submit that the investigation is completed and the charge sheet is yet to be filed.

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5.Considering the facts and circumstances of the case and also considering the fact that the nature of charges levelled against the petitioner and also the fact that the co-accused have already been released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Special Court for Exclusive Trial of POCSO Act Cases, 2012, Sivagangai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Special Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)on breach of any of the aforesaid conditions, the learned Special Judge/concerned Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Special Judge/concerned Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

13/10/2022

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE SESSIONS JUDGE,
PRINCIPAL SPECIAL COURT FOR TRIAL OF CASES UNDER POCSO ACT,
MADURAI.
2. THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.V.VIJAYSETHUPATHY, Advocate (SR-11342[I] dated 13/10/2022)

ORDER
IN
CRL OP(MD) No.18192 of 2022
Date :13/10/2022

SJI
USK/SBN/SAR-I/19.10.2022/3P/5C